

UNITED STORES DEPARTMENT OF COMMERCE Patent and Trademark Offic

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FIRST NAMED INVENTOR APPLICATION NO. FILING DATE ATTORNEY DOCKET NO. BW-406 D CANTRELL 07/20/00 09/619,793 **EXAMINER** IM22/0924 WALLS, D JOHN F SALAZAR MIDDLETON AND REUTLINGER PSC ART UNIT PAPER NUMBER 2500 BROWN & WILLIAMSON TOWER 1731 LOUISVILLE KY 40202

DATE MAILED: 09/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No. 09/619,793

Applicant(s)

Cantrell

Examiner

Dionn A. Walls

Art Unit 1731



The MAILING DATE of this communication appears on the cover sheet with the correspondence address	
Period for Reply	MONTH/O) FROM
A SHORTENED STATUTORY PERIOD FOR REPLY IS THE MAILING DATE OF THIS COMMUNICATION.	
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.	
- If the period for reply specified above is less than thirty (30) days, a	reply within the statutory minimum of thirty (30) days will
	iod will apply and will expire SIX (6) MONTHS from the mailing date of this
communication Failure to reply within the set or extended period for reply will, by sta	tute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the meanned patent term adjustment. See 37 CFR 1.704(b). 	ailing date of this communication, even if timely filed, may reduce any
Status	
1) Responsive to communication(s) filed on	
24,0	action is non-final.
3) Since this application is in condition for allowance closed in accordance with the practice under Ex	e except for formal matters, prosecution as to the merits is parte Quay/835 C.D. 11; 453 O.G. 213.
Disposition of Claims	
4) 🗓 Claim(s) <u>1-13</u>	is/are pending in the applica
4a) Of the above, claim(s)	is/are withdrawn from considera
5)	is/are allowed.
6) 🗓 Claim(s) <u>1-13</u>	is/are rejected.
	is/are objected to.
	are subject to restriction and/or election requirem
Application Papers	
9) The specification is objected to by the Examiner.	
10) The drawing(s) filed on	is/are objected to by the Examiner.
11) The proposed drawing correction filed on	is: a∏ approved b)∏disapproved.
12) ☐ The oath or declaration is objected to by the Exam	
Priority under 35 U.S.C. § 119	
13) Acknowledgement is made of a claim for foreign i	priority under 35 U.S.C. § 119(a)-(d).
a) ☐ All b) ☐ Some* c) ☐None of:	
1. Certified copies of the priority documents ha	ve been received.
Certified copies of the priority documents ha	
application from the International Bure	documents have been received in this National Stage eau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.	
14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).	
Attachment(s)	
15) Notice of References Cited (PTO-892)	18) Interview Summary (PTO-413) Paper No(s).
16) Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) Notice of Informal Patent Application (PTO-152)
17) X Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2	20)

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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-3, and 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noe et al (US. Pat. No. 5,494,055) in view of Ross (US. Pat. No. 5,439,010).

Noe et al discloses a double-layered cigarette, the inner layer (which contacts the tobacco rod) consisting of a highly-porous paper with an air permeability of 4,000-80,000 CORESTA (corresponding to the claimed "porosity is from about 200 to 160,000 CORESTA units"), and an outer layer consisting of conventional cigarette paper (corresponding to the claimed "cellulosic fiber material") (col. 3, line 62 - col. 4, line 5). While Noe et al may not discloses that the highly porous inner wrap comprises wood fibers and flax fibers, Ross discloses a cigarette wrapper, designed to circumscribe a tobacco rod, which comprises a mixture of wood-pulp fibers - having an average fiber length of 0.5 - 3.5 mm - (corresponding to the claimed "soft wood/hard wood") and non-wood vegetable fibers, such as flax. The cigarette wrapper of Ross may have a basis weight within 10-40 g/meters squared (corresponding to the claimed "basis weight of from

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about 12-15 g/meters squared/ about 12 g/meters squared"), and an air permeability in the range of 4,000-40,000 (corresponding to the claimed "porosity is from about 200 to 160,000 CORESTA units"). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the inner wrap of Noe et al to include the flax/wood fiber composition of Ross because use of cellulosic fiber mixtures to comprise cigarette wrappers is conventional in the tobacco art. Ross further discloses that the proportions of the mixtures of the two types of fibers will be selected having regard to the desired air-permeability of the finished sheet product (col. 3, lines 29-56; col.4, lines 2-4). While Ross may not explicitly state that this cigarette wrapper comprises from 55 - 85%, or 75%, by weight of wood fibers and 15-45%, or 30%, by weight of flax fibers or that the flax is selected form the group consisting of 50-90% bast flax fibers and 10-50% shive flax fibers, it would have been obvious to one having ordinary skill in the art at the time of the invention to construct the inner cigarette wrapper of Noe et al modified by Ross having these wood fiber/flax fibre percentages, after very minimal, routine experimentation, in order to achieve the desired air-permeability which is consistent with the teachings of Ross.

3. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noe et al (US. Pat. No. 5,494,055) in view of Ross (US. Pat. No. 5,439,010), further in view of Drewett et al (US. Pat. No. 5,172,708).

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While Noe et al modified by Ross may not disclose that the soft wood is pine or that the hard wood is eucalyptus, Drewett et al does discloses smoking articles having wrappers that comprise either of these two types of soft/hard wood fibers (col. 7, lines 20-68). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention fabricate the inner wrapper of Noe et al modified by Ross to include either pine or eucalyptus as its wood fiber source because these types of woody fibers are conventional materials for cigarette paper fabrication in the tobacco art.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dionne A. Walls whose telephone number is (703) 305 - 0933. The examiner can normally be reached Monday-Thursday from 6:30AM - 4:00PM (EST). The examiner can also be reached on alternate Fridays.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached at (703) 308-3837. Additionally, the fax number for this Group is (703) 305-7718.

Dionne A. Walls

September 20, 2001

JAMES DERRINGTON

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